

NOV. 19. 2003 12:39PM

858 792-6773 FOLEY AND LARDNER

NO. 5865 P. 1

138

**FOLEY & LARDNER**

ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEY.COM

**FACSIMILE TRANSMISSION****Total # of Pages 2 (including this page)**

TO:	PHONE #:	FAX #:
Examiner R. Mitra US PTO Art Unit 1653	703 605-1211	703 746-5334

**From :** Wesley B. Ames**Email Address :** wames@foley.com**Sender's Direct Dial :** 858.847.6714**Date :** November 19, 2003 12:37 PM**Client/Matter No :** 073406-0403**User ID No :** 0188**MESSAGE:***Application # 09/454252*

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

**Operator:****Time Sent:****Return Original To:**  
Wesley B. Ames

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

xxx.xxxxxx.xa

Cover Page 1 of 1

FOLEY &amp; LARDNER

November 19, 2003

Examiner Mitra:

As you just requested in our telephone conversation, we are requesting a telephonic interview to discuss the Section 102 rejection of the claims over Jaynes, WO 89/00199. We do not find any anticipating description in this reference, as it does not describe any "target identification", nor any description of phage polypeptide binding to bacterial protein. We believe that it merely describes certain phage proteins that exhibit antibacterial activity.

In view of this, we would like to discuss the reference and the rejections, including the specific basis for the outstanding rejections. We believe that this discussion will facilitate more efficient prosecution by allowing us to directly address the issues. Thank you.

Wesley B. Ames